

Notice of Allowability

Application No.

10/761,486

Applicant(s)

HARPER ET AL.

Examiner

Art Unit

Maria Veronica D. Ewald

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/11/07.
2. ☒ The allowed claim(s) is/are 3-14 and 27-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All. b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Allowable Subject Matter

Claims 3 – 14 and 27 – 30 are allowed. The following is an examiner's statement of reasons for allowance: as stated in the previous office action, prior art fails to teach or suggest, either alone or combination, the assembly components in combination with the elements of claim 1, wherein the transporting device comprises a vacuum chuck coupled to a robotic arm; wherein the transporting device comprises a servo slide, such that the slide is comprised of a frame; a holder plate and at least two fingers to secure the substrate; wherein the die assembly is comprised of an elongated shaft and a ball bushing and a ring portion; wherein there is a gas actuation bladder coupled to the die assembly; and a vision device coupled to the assembly; wherein the die assembly is used to imprint the embossable film for production of an optical recording disk; and wherein the die assembly is used to imprint the embossable film for production of a semiconductor device.

Furthermore, with respect to claims 27 – 30, as stated in the previous office action, it is noted that claim 27 recites elements in means plus function form. These elements have been interpreted as invoking 35 U.S.C. § 112, sixth paragraph, and thereby limited to the corresponding structure described in the specification and equivalents thereof. In re Donaldson, 16 F.3d 1189, 1194, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994); MPEP § 2181. In this case, the "means for pre-heating an entire substrate and an entire embossable film disposed above the substrate, to an approximate embossing temperature" has been interpreted as a heater assembly (and equivalents thereof, as described in paragraphs 0033 and 0035 – 0036) wherein the heater

Art Unit: 1791

assembly includes a stand that positions a heater box portion at a height level with die assembly, wherein box portion includes an opening to receive a disk holder tray as well as an opening near a top surface to allow a line of sight for microscope of visual assembly 470, wherein the heater assembly is positioned in close proximity to the imprinting assembly as described in paragraphs 0042 . The "means for transporting the substrate to an imprinting die assembly, having an embossing foil, while maintaining the approximate embossing temperature" has been interpreted as a robotic arm assembly and equivalents thereof, as described in paragraphs 0033 – 0034, 0036 and 0039.

The closest prior art references of Davis (U.S. 2002/0025408 A1) and Harper (U.S. 2005/0151300 A1), fail to teach or suggest the combination of elements as described above. Both references merely teach that a substrate with an embossable film can be pre-heated prior to stamping; however, both fail to teach specific elements of the heater or the transport assembly as described by Applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

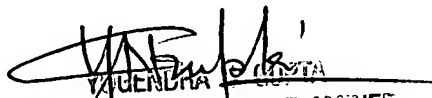
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Veronica D. Ewald whose telephone number is 571-272-8519. The examiner can normally be reached on M-F, 8 - 4:30.

Art Unit: 1791

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVE


YOGENDRA GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700